

United States District Court

NORTHERN

DISTRICT OF

FILED
CALIFORNIA

2008 MAR 12 AM 11:12

UNITED STATES OF AMERICA

v.

E-FILING

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
N.D. CALIFORNIA, S.J.

CRIMINAL COMPLAINT

Jose BRAVO-Aguilar
(Name and Address of Defendant)

08-70141 RS

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, March 8, 2008, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

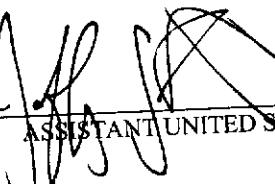
in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following
 Official Title

facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

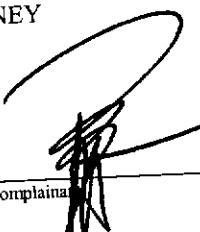
Requested bail: Issue no bail warrant.



ASSISTANT UNITED STATES ATTORNEY

APPROVED AS TO FORM:

Signature of Complainant

Continued on the attached sheet and made a part hereof: Yes No


Sworn to before me and subscribed in my presence,

3/12/08

Date

at

San Jose, California

City and State

Nandor J. Vadas
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer



RE: BRAVO-Aguilar, Jose A76 224 299

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. BRAVO-Aguilar is a 34-year-old male who has used five (5) aliases and two (2) dates of birth in the past.
- (2) Mr. BRAVO-Aguilar has been assigned one (1) Alien Registration number of A76 224 299, FBI number of 457445PA4, California Criminal Information Index number of A10003849, and a Santa Clara County Personal File Number of DAV809.
- (3) Mr. BRAVO-Aguilar is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
August 04, 1997	Calexico, CA
September 25, 2000	Calexico, CA

- (4) Mr. BRAVO-Aguilar last entered the United States at or near San Ysidro, CA on or after September 25, 2000, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. BRAVO-Aguilar on a date unknown, but no later than March 8, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On March 11, 2008, Mr. BRAVO-Aguilar was interviewed by Immigration Enforcement Agent (IEA) Joseph Oidem at the ICE Office, San Jose, CA, and during that interview, Mr. BRAVO-Aguilar was advised of his **Miranda** rights in English. Mr. BRAVO-Aguilar waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: BRAVO-Aguilar, Jose A76 224 299

(6) Mr. BRAVO-Aguilar was, on February 18, 1992, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of BURGLARY: SECOND DEGREE, a felony, in violation of Section 459/460.2 of the California Penal Code, and was sentenced to sixty (60) days in jail.

(7) Mr. BRAVO-Aguilar was, on June 13, 1996, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of POSSESSION WITH INTENT TO MANUFACTURE METHAMPHETAMINE/ANALOGS, an aggravated felony, in violation of Section 11383(c)(1) of the California Health and Safety Code, and was sentenced to two (2) years in prison.

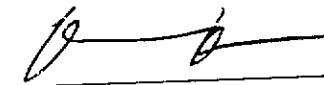
(8) Mr. BRAVO-Aguilar was, on May 18, 1998, convicted in the United States District Court, Eastern District of California, for the offense of count one, ILLEGAL ENTRY, a Class B Misdemeanor, in violation of Title 8 United States Code, Section 1325(a)(1). Count two, ILLEGAL ENTRY, a Class E Felony, in violation of Title 8 United States Code, Section 1325(a)(1). For these offenses, Mr. Bravo-Aguilar was sentenced thirty (30) months in prison.

(9) On the basis of the above information, there is probable cause to believe that Mr. BRAVO-Aguilar illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 12th day of March, 2008



NANDOR J. VADAS
UNITED STATES MAGISTRATE JUDGE